

ANDREA T. MARTINEZ, Acting United States Attorney (#9313)
JAMIE Z. THOMAS, Assistant United States Attorney (#9420)
STEWART M. YOUNG, Assistant United States Attorney (#14377)
STEPHEN L. NELSON, Assistant United States Attorney (#9547)
Attorneys for the United States of America
Office of the United States Attorney
111 South Main Street, Suite 1800
Salt Lake City, Utah 84111-2176
Telephone: (801) 524-5682
Email: stephen.nelson@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN HERNANDEZ,

Defendant.

Case No. 2:21-mj-00895 DBP

SEALED FELONY COMPLAINT

COUNT 1: Possession of
Methamphetamine with Intent to
Distribute, 18 U.S.C. § 922(g)(1)

COUNT 2: Possession of a Firearm in
Furtherance of Narcotics Trafficking,
18 U.S.C. § 924(c)

Judge Dustin B. Pead

Before the Honorable Dustin B. Pead, United States Magistrate Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT 1

21 U.S.C. § 841(a)(1)
(Possession with Intent to Distribute Methamphetamine)

On or about November 11, 2021, in the District of Utah,

JUAN HERNANDEZ,

defendant herein, did knowingly and intentionally possess with intent to distribute five hundred (500) grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance within the meaning of 21 U.S.C. § 812; all in violation of 21 U.S.C. § 841(a)(1) and punishable pursuant to 21 U.S.C. § 841(b)(1)(A).

COUNT 2

18 U.S.C. § 924(c)

(Possession of a Firearm in Furtherance of Narcotics Trafficking)

On or about November 11, 2021, in the District of Utah,

JUAN HERNANDEZ,

defendant herein, did knowingly possess a firearm, to wit: one Radical, model RF-15, multi-caliber pistol, and associated ammunition, in furtherance of a narcotics trafficking offense for which he may be prosecuted in a court of the United States as set forth in Count 1 and incorporated herein, that is, knowingly and intentionally possessing methamphetamine with intent to distribute, in violation of 21 U.S.C. § 841(a)(1); all in violation of 18 U.S.C. § 924(c)(1)(A).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

Complainant, James Morton, being duly sworn, hereby states that this Felony Complaint is based on information obtained through an investigation consisting of the following:

1. Complainant, Special Agent James J. Morton, being duly sworn, hereby states: I

am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been since May 10, 2016. I am assigned to the Salt Lake City Field Office, in the District of Utah. I have completed the twelve (12) week Criminal Investigator Training Program and the fourteen (14) week Special Agent Basic Training course at the Federal Law Enforcement Training Center in Glynco, Georgia. These courses consisted of classes in federal law, evidence handling, interviewing techniques, firearms investigations, explosive investigations, arson investigations and tactical training in the execution of search and arrest warrants. Prior to my employment by the ATF, I was a Law Enforcement Officer (LEO) in Utah for almost 15 years. I attended the Utah State Peace Officers Standards and Training Academy (P.O.S.T) where I received a block of narcotics identification and basic investigation instruction from experts in the field. During the course of my employment, I have attended several training courses focusing on narcotics investigations and criminal street gangs. As a Police Officer assigned to the patrol division, I routinely came in contact with admitted narcotics users and distributors. During this time, I made several arrests of persons in violation of the Controlled Substance Act. I was assigned to the Salt Lake Area Gang Project / Metro Gang Unit from April 2010 through 2015. During this assignment, I attended and taught training courses at five annual Utah Gang Conferences. In addition to these local gang conferences, I have attended several gang and narcotic conferences throughout the country.

2. On November 11, 2021, Unified Police Department (UPD) Metro Gang Unit

(MGU) conducted a law enforcement operation during which **Juan HERNANDEZ** was detained after arriving at a retail parking lot in Salt Lake County, Utah, driving a Cadillac Seville (**HERNANDEZ's** vehicle).

3. Agents sought and received a search warrant from Third District Court Judge Patrick Corum for **HERNANDEZ's** vehicle.

4. While searching **HERNANDEZ's** vehicle, pursuant to the search warrant, agents located 6.9 lbs of field-tested-positive methamphetamine (a Schedule II controlled substance), packaging materials, and a firearm (one Radical, model RF-15, multi-caliber pistol) in close proximity to the methamphetamine.

5. I know from my training and experience that 6.9 lbs of methamphetamine is an amount of methamphetamine consistent with an intent to distribute to others, and I know that methamphetamine traffickers utilize packaging materials, like the materials seized during the search warrant of **HERNANDEZ's** vehicle, to package methamphetamine for distribution to others.

6. I also know from my training and experience that drug trafficking is inherently dangerous, that drug traffickers are often the targets of violent crime (like robberies and burglaries), and that drug traffickers often utilize firearms to protect themselves during their drug trafficking activities.

7. Given how close the firearm was located to the methamphetamine in **HERNANDEZ's** vehicle, and given my training and experience, I believe that

HERNANDEZ possessed the firearm in order to protect himself during drug transactions and that this firearm furthered **HERNANDEZ**'s drug trafficking activities.

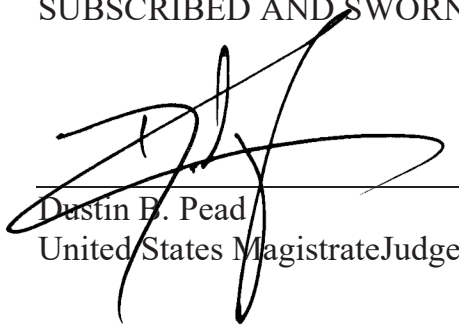
8. Based on the foregoing information, I respectfully request that a warrant of arrest be issued for **Juan HERNANDEZ** for violations of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 924(c).

James J. Morton

Digitally signed by James J.
Morton
Date: 2021.11.17 16:49:27 -05'00'

Affiant, ATF
Special Agent James Morton

SUBSCRIBED AND SWORN to before me this 17th day of November, 2021.


Dustin B. Pead
United States Magistrate Judge



APPROVED:

ANDREA T. MARTINEZ
Acting United States Attorney

/s/ Stephen L. Nelson

STEPHEN L. NELSON
Assistant United States Attorney